

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of PACIFIC GAS AND ELECTRIC COMPANY in the 2001 Annual Transition Cost Proceeding for the Record Period July 1, 2000, through June 30, 2001. (U 39 E)

Application 01-09-003

**ADMINISTRATIVE LAW JUDGE'S RULING
RE MOTIONS OF PACIFIC GAS AND ELECTRIC COMPANY FOR
PRELIMINARY RULING ON THE REVIEWABILITY OF ITS PROCUREMENT
PRACTICES FOR REASONABLENESS
AND FOR A PROTECTIVE ORDER**

After considering Pacific Gas and Electric Company's motion for preliminary ruling dated January 22, 2002, and the opposition of the Office of Ratepayer Advocates and The Utility Reform Network, and its motion for a protective order.

IT IS RULED that:

1. The motion for a preliminary ruling is denied.
2. Pacific Gas and Electric Company (PG&E) may renew its motion after discovery has been completed.
3. The motion for a protective order is granted to the extent set forth below.
4. The financial and business information referred to as Appendices 3A and 3B to Chapter 3 of PG&E's testimony which have been filed under seal as an attachment to the motion for protective order, shall remain under seal for a period of two years from the date of this ruling, and during that period shall not be made accessible or disclosed to anyone other than Commission staff, except

for parties signing a protective order, or on the further order or ruling of the Commission, the Assigned Commissioner, the assigned Administrative Law Judge (ALJ), or the ALJ then designated as Law and Motion Judge.

5. Whether hearings addressing this testimony should be closed to the public and the hearing transcript sealed will be determined should the occasion arise.

6. If PG&E believes that further protection of this information is needed after two years, it may file a motion stating the justification for further withholding the material from public inspection, or for such other relief as the Commission rules may then provide. This motion shall be filed no later than 30 days before the expiration of this protective order.

Dated February 21, 2002, at San Francisco, California.

/s/ ROBERT BARNETT

Robert Barnett
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Re Motions of Pacific Gas and Electric Company for Preliminary Ruling on the Reviewability of its Procurement Practices for Reasonableness and for a Protective Order on all parties of record in this proceeding or their attorneys of record.

Dated February 21, 2002, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.